

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In the Matter of the Extradition of) Case No. 3:21-mj-04149
)
Riccardo Paolo Spagni a/k/a Ricardo Paolo Spagni) Magistrate Judge Alistair E. Newbern

AFFIDAVIT OF WAIVER OF EXTRADITION

I, Riccardo Paolo Spagni a/k/a Ricardo Paolo Spagni, having been fully informed by my attorneys, Jonathan Farmer and Brian E. Klein, of my rights under the extradition treaty in force between the United States and South Africa and 18 U.S.C. §§ 3184-3196, do hereby waive any and all such rights and ask the Court to expedite my return, in custody, to South Africa.

My attorneys, with whose services I am satisfied, have explained to me the terms of the extradition treaty in force between the United States and South Africa, the applicable sections of Title 18 of the United States Code, and the complaint filed by the United States Attorney in fulfillment of the United States' treaty obligations to the Government of South Africa. I understand that, pursuant to 18 U.S.C. § 3184, I am entitled to a hearing at which certain facts would need to be established, including:

- That currently there is an extradition treaty in force between the United States and South Africa;
- That the treaty covers the offenses for which my extradition was requested;
- That I am the person whose extradition is sought by South Africa; and
- That probable cause exists to believe that I committed the offenses for which extradition was requested.

I admit that I am the individual against whom charges are pending in South Africa and for whom process is outstanding there. I fully understand that in the absence of a waiver of my rights, I cannot be compelled to return to South Africa unless and until a court in the United States issues a ruling certifying my extraditability and the Secretary of State of the United States issues a warrant of surrender.

I have reviewed the complaint, and I fully understand my right to a hearing at which my counsel and I could challenge the extradition request presented by the Government of South Africa.

I hereby waive my rights under the extradition treaty and the applicable sections of Title 18 of the United States Code, and agree to be transported in custody, as soon as possible, to South Africa. I agree that the conditions of my bail will continue in this District until the eve of the duly authorized representatives of the Government of South Africa departing South Africa to effectuate my transport to South Africa, at which time I will surrender to the United States Marshal, as directed by the United States Government. No representative, official, or officer of the United States or of the Government of South Africa, nor any other person whossoever, has made any promise or offered any other form of inducement or made any threat or exercised any form of intimidation against me. I execute this waiver of rights knowingly, voluntarily, and entirely of my own free will and accord.

Dated this 25th day of May, 2022.



Jonathan Farmer
Attorney for Riccardo Paolo Spagni



Riccardo Paolo Spagni

Brian Klein by IPF
Brian E. Klein
Attorney for Riccardo Paolo Spagni

I hereby certify that on this 25th day of May, 2022, Riccardo Paolo Spagni personally appeared before me and made his oath in due form of law that the statements herein are true.

Alistair E. Newbern
United States Magistrate Judge
Middle District of Tennessee

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ORDER

The Court having received the Complaint filed on July 21, 2021, by Joe Montminy, Assistant United States Attorney for the Middle District of Tennessee, pursuant to the request of the Government of South Africa, for the provisional arrest and extradition of Riccardo Paolo Spagni a/k/a Ricardo Paolo Spagni ("Spagni") and an affidavit executed by Spagni and witnessed by his attorney;

And, further, the Court having been advised in open session that Spagni is a fugitive sought by the Government of South Africa; that he is aware that the Government of South Africa has filed charges against him and has obtained a warrant for his arrest; that he has reviewed the Complaint filed by the United States Attorney for this judicial district; that he has been fully advised of his rights in this country pursuant to the extradition treaty in force between the Government of the United States and the Government of South Africa and Title 18, United States Code, §§ 3184-3196, and that he has knowingly and voluntarily waived those rights;

IT IS THEREFORE ORDERED that the conditions of Spagni's bail shall continue until the eve of the duly authorized representatives of the Government of South Africa departing South Africa to effectuate Spagni's arrest, at which time Spagni shall surrender, as directed by the United States Government, to the United States Marshal, who shall deliver him, together with any evidence seized incidental to his arrest and sought by the Government of South Africa, to the custody of such authorized representatives to be transported to South Africa; and

IT IS FURTHER ORDERED that the transfer of physical custody of Spagni, together with any evidence seized, shall be at such time and place as mutually agreed upon by the United States Marshal and the duly authorized representatives of the Government of South Africa.

The Clerk of the Court is directed to forward copies of this Order and the executed Affidavit of Waiver to the Director, Office of International Affairs, Criminal Division, Department of Justice, in Washington, D.C., and the Assistant United States Attorney.

SO ORDERED, this 25th day of May, 2022.

Alistair E. Newbern
United States Magistrate Judge
Middle District of Tennessee